

July 11, 2007

Rich Gannon
DENR-Division of Water Quality, Planning Section
1617 Mail Service Center, Raleigh, NC 27699

Subject: Comments on the *Jordan Reservoir Water Supply Nutrient Rules, Public Review Draft, June 2007*

On behalf of the Town of Cary, we appreciate the opportunity to review and comment on the June 2007 Jordan Reservoir Water Supply Nutrient Rules being proposed for our community's drinking water source. With only a few exceptions that we are confident can be addressed, the Town of Cary supports the proposed rules. They are a positive and significant step in minimizing nutrient impacts upon the water quality of a critical natural resource.

The Town of Cary has long been a leader in North Carolina in implementing meaningful initiatives that put our environment first. As far back as 1992, Cary was managing stormwater runoff from new development in the Jordan Lake watershed through our Watershed Water Supply Protection rules. In 2001, we initiated further Jordan Lake protections by extending the Neuse Stormwater Rules, thus requiring development to meet a 3.6 lbs/N per acre target with no available buy down. We also extended a more restrictive version of the Neuse riparian buffer rules into the Jordan Lake watershed, requiring 50 foot setbacks on all soil survey indicated streams and 100' setbacks on all USGS indicated streams. In addition the Town has developed a watershed model of Northwest Cary to evaluate existing and proposed development scenarios and have prepared a first of its kind Secondary and Cumulative Impacts Plan for the western Wake area, a pilot project expected to cover wastewater permitting for the next 25 years.

From water conservation to open space preservation to bio-solids drying to reclaimed water to regulating clear cutting, Cary's commitment to preserving and protecting our finite natural resources is unmatched.

It is, therefore, within the context of our community's culture of conservation that we strongly request reconsideration of the proposed rules regarding existing development in the upper New Hope watershed, which we fear will create an onerous and unfair burden to existing residents, businesses, public institutions, and the environment if enacted as currently drafted.

For Cary, Implementation of the rule would result in a significant disruption to our citizen's quality of life since existing infrastructure would have to be completely retrofitted and privately owned developed property likely condemned and

demolished in order to construct nutrient reducing Best Management Practices. And despite everyone's best efforts, such work simply could not occur without significant short-term impacts to affected land and wildlife.

Further, preliminary estimates from Town staff indicate that the implementation cost of this rule in today's dollars would result in a 45 million dollar impact upon our taxpayers, which equates to a \$13,000 assessment upon the average single family residential homeowner in the Upper New Hope Watershed in Cary. This is an impossible figure for any family to bear.

Working together, we are confident that reasonable, equitable, and effective alternative strategies can be developed.

Ideas that we would like to see explored include language that takes into account existing development that already has nutrient reducing Best Management Practices. One way that this could be accomplished is by requiring equivalent maximum loading rates on a per acre basis for existing development. We would also appreciate further efforts toward a provision that allows jurisdictions to buy down a portion of their target reductions, which would be consistent with the new development rule. We also believe that the rulemaking must include access to Federal and State funds to assist local governments in meeting the proposed requirements.

The Town of Cary remains extremely supportive of the rulemaking process and appreciates the open dialogue between the Division of Water Quality and the Town as we work in partnership to ensure the best long-term outcome for the many diverse interests involved in this issue.

Please do not hesitate to contact me or any member of our staff regarding our concerns and our ideas for moving forward.

Best regards,

Ernest F. McAllister